IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION NO : 11650 of 2005

Between:

Sri. B.Narayana Murthy, S/o. Late B.Krishnaiah,
Person-In-Charge of M/s. Lakshmi Venkateswara Quarry Workers, Labour Contract Co-Op Society Ltd., Kuppam, Chittoor District.

..... PETITIONER

A N D

1 Director of Mines and Geology, Hyderabad.
2 Deputy Director of Mines and Geology, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the proceedings No.503/Q/04 dt.11/04/2005 issued by the 2nd respondent in respect of M/s Sri Lakshmi Venkateswara Quarry Workers Labour Contract Co-op Society Ltd., Kuppam, is illegal, arbitrary and violative of Principles of Natural Justice and violative of Articles of 14 and 21 of the Constitution of India and without notice, consequently set aside the same in respect of the petitioner and direct the 2nd respondent to grant Quarry Lease in favour of the petitioner society and pass other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case in the interest of justice.

Counsel for the Petitioner: MR.S.GIRIMOJI RAO

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following at the admission stage **: (Order follows 2nd page)**

O R D E R :

This writ petition is filed questioning the Proceedings No.503/Q/04, dated 11-4-2005 issued by the second respondent in respect of M/s.Sri Lakshmi Venkateswara Quarry Workers' Labour Contract Co-operative Society Limited, Kuppam, as illegal, arbitrary and violative of the principles of natural justice and Article 14 and 21 of the Constitution of India and consequently set aside the same and direct the second respondent to grant quarry lease in favour of the petitioner-society.

When the writ petition is listed today under the caption 'for admission', the learned Govt.Pleader for Mines and Geology took objection on the ground that this writ petition is not maintainable against the order impugned, as the quarry lease for granite dimensional stones (useful for cubes and kerbs) over an extent of 6.072 hectares in sy.no.184 of Madnapalli village, Santhipuram Revenue Mandal, Chittoor district, was granted in favour of M/s. R.R.Stones (P) Limited and M/s. R.R.Stones (P) Limited was not impleaded as one of the party-respondent to the present writ petition. But under Section 35 of the Act the alternate efficacious remedy left open to the petitioner is to prefer an appeal to the Director of Mines and Geology against the order impugned.

Considering the facts and circumstances of the case, the writ petition is liable to be dismissed on the ground that the petitioner has not made M/s. R.R.Stones (P) Limited as party-respondent to the present writ petition.

The writ petition is accordingly dismissed. No costs.

JULY 18th. 2005. ----------

I S L. ELIPE DHARMA RAO, J.

To

1) Director of Mines and Geology, Hyderabad.
2) Deputy Director of Mines and Geology, Cuddapah, Cuddapah district.

3) Two CD copies to the Govt.Pleader for Mines & Gelogy, High Court

Buildings, High Court of AP Hyderabad.

4) OneCC to Mr.Girimoji Rao, Counsel for the petitioner.

5) Two CD files.